

**BEFORE THE
PHYSICIAN ASSISTANT COMMITTEE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

Case No. 1E-2006-173349

CECIL CLEMENT WALKER, P.A.

**Physician Assistant
License No. PA-10186**

Respondent.


DECISION

The attached Stipulated Surrender of License and Order is hereby accepted and adopted as the Decision and Order by the Physician Assistant Committee of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on November 12, 2008 .

DATED November 4, 2008 .

PHYSICIAN ASSISTANT COMMITTEE



**Robert Sachs, P.A.
Chairman**

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 BENETH A. BROWNE, State Bar No. 202679
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6 Attorneys for Complainant

7 **BEFORE THE**
8 **PHYSICIAN ASSISTANT COMMITTEE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 1E-2006-173349

13 CECIL C. WALKER

14 20021 Cliveden Ave
Carson, California 90746

15 Physician Assistant License No. PA-10186,

Respondent.

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16
17 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties in
18 this proceeding that the following matters are true:

19 **PARTIES**

20 1. Elberta Portman (Complainant) is the Executive Officer of the Physician
21 Assistant Committee. She brought this action solely in her official capacity and is represented in
22 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Beneth A.
23 Browne, Deputy Attorney General.

24 2. Cecil C. Walker (Respondent) is representing himself in this proceeding
25 and has chosen not to exercise his right to be represented by counsel.

26 3. On or about June 9, 1977, the Physician Assistant Committee issued
27 Physician Assistant License Number PA 10186 to Respondent Walker. That license was in full
28 force and effect at all times relevant to the charges brought in Accusation No. 1E-2006-173349

1 and will expire on November 30, 2009, unless renewed.

2 **JURISDICTION**

3 4. Accusation No. 1E-2006-173349 was filed before the Committee and is
4 currently pending. The Accusation and all other statutorily required documents were properly
5 served on Respondent on July 28, 2008. Respondent timely filed his Notice of Defense
6 contesting the Accusation. A copy of Accusation No. 1E-2006-173349 is attached as Exhibit A
7 and is incorporated herein by reference.

8 **ADVISEMENT AND WAIVERS**

9 5. Respondent has carefully read, and understands the charges and allegations
10 in Accusation No. 1E-2006-173349. Respondent also has carefully read, and understands the
11 effects of this Stipulated Surrender of License and Order.

12 6. Respondent is fully aware of his legal rights in this matter, including the
13 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
14 counsel, at his own expense; the right to confront and cross-examine the witnesses against him;
15 the right to present evidence and to testify on his own behalf; the right to the issuance of
16 subpoenas to compel the attendance of witnesses and the production of documents; the right to
17 reconsideration and court review of an adverse decision; and all other rights accorded by the
18 California Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
20 each and every right set forth above.

21 **CULPABILITY**

22 8. Respondent admits the truth of each and every charge and allegation in
23 Accusation No. 1E-2006-173349, and agrees that cause exists for discipline and hereby
24 surrenders his Physician Assistant License Number PA 10186 for the Committee's formal
25 acceptance.

26 9. Respondent understands that by signing this stipulation he enables the
27 Committee to issue an order accepting the surrender of his Physician Assistant License without
28 further process.

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pocket license certificate on or before the effective date of the Decision and Order.

4. Respondent fully understands and agrees that if he ever files an application for licensure or a petition for reinstatement in the State of California, the Committee shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 1E-2006-173349 shall be deemed to be true, correct and admitted by Respondent when the Committee determines whether to grant or deny the petition.

5. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 1E-2006-173349 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

6. Respondent shall pay the Committee its costs of investigation and enforcement in the amount of \$25,790.59 prior to filing a petition for reinstatement of a revoked license.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Physician Assistant License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Physician Assistant Committee, Medical Board of California.

DATED:

10-7-08

Car/Waff

CECIL C. WALKER
Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Physician Assistant Committee, Medical Board of California of the Department of Consumer Affairs.

DATED: 10-7-08

EDMUND G. BROWN JR., Attorney General
of the State of California

Beneth A Browne
BENETH A. BROWNE
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2006503515
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11 In the Matter of the Accusation Against:

Case No. 1E-2006-173349

12 CECIL C. WALKER
13 20021 Cliveden Ave.
14 Carson, CA 90746

ACCUSATION

15 Physician Assistant License No. PA-10186

16 Respondent.

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18 Complainant alleges:

19 PARTIES

20 1. Elberta Portman (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Physician Assistant Committee of the Medical
22 Board of California, Department of Consumer Affairs.

23 2. On or about June 9, 1977, the Physician Assistant Committee issued
24 Physician Assistant License Number PA 10186 to Cecil C. Walker (Respondent). The license
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 November 30, 2009, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Physician Assistant Committee (Committee) for the Medical Board of California, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 3504 of the Code provides for the existence of the Committee within the Medical Board of California (Board).

5. Section 3527 of the Code provides that the committee may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a physician's assistant certificate for unprofessional conduct.

6. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

7. Section 3528 of the Code states any proceedings involving the denial, suspension or revocation of the application for licensure or the license of a physician assistant, the application for approval or the approval of a supervising physician, or the application for approval or the approval of an approved program under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

8. California Code of Regulations, title 16, section 1399.521 states:

"In addition to the grounds set forth in section 3527, subdivision (a), of the Code, the committee may deny, issue subject to terms and conditions, suspend, revoke or place on probation a physician assistant for the following causes: (a) Any violation of the State Medical Practice Act which would constitute unprofessional conduct for a physician and surgeon. (b) Using fraud or deception in passing an examination administered or approved by the committee.

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1 (c) Practicing as a physician assistant under a physician who has been prohibited by the division
2 or the Osteopathic Medical Board of California from supervising physician assistants. (d)
3 Performing medical tasks which exceed the scope of practice of a physician assistant as
4 prescribed in these regulations."

5 9. California Code of Regulations, title 16, section 1399.522, states:

6 "In addition to the grounds set forth in section 3527, subd. (c), of the code, the
7 board may deny, issue subject to terms and conditions, suspend, revoke or place on
8 probation an approval to supervise a physician assistant for the following causes:

9 "(a) Failure to hold or maintain a current and valid physician's and surgeon's
10 certificate.

11 "(b) The supervising physician by specialty or nature of practice is not sufficiently
12 qualified to supervise the physician assistant.

13 "(c) The physician assistant supervised has rendered medical services not
14 authorized by these regulations regardless of whether the supervising physician has
15 knowledge of the acts performed.

16 "(d) Approval to supervise a physician assistant was procured by fraud or
17 misrepresentation."

18 10. Section 125.3 of the Code provides, in pertinent part, that the entity
19 bringing the proceeding may request the administrative law judge to direct a licensee found to
20 have committed a violation or violations of the licensing act to pay a sum not to exceed the
21 reasonable costs of the investigation and enforcement of the case.

22 11. Section 2280 of the Code provides, in relevant part, that no licensee shall
23 practice medicine while under the influence of any narcotic drug to such an extent as to impair
24 his ability to conduct the practice of medicine with safety to the public and his patients.
25 Violation of this section constitutes unprofessional conduct and is a misdemeanor.

26 12. Section 2239 (a) of the Code provides, in relevant part, that the use or
27 prescribing for or administering to himself or herself of any controlled substance; or the use of
28 any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or

1 in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the
2 public, or to the extent that such use impairs the ability of the licensees to practice medicine
3 safely constitutes unprofessional conduct.

4
5 CAUSE FOR DISCIPLINE

6 (Excessive Use of Drugs - Impairment of Ability to Practice Safely)

7 13. Respondent is subject to disciplinary action under section 2239,
8 subdivision (a), in that he used controlled substances and/or dangerous drugs specified in section
9 4022 to the extent that such use impaired his ability to practice medicine safely, constituting
10 unprofessional conduct. The circumstances are as follows:

- 11 A. On December 30, 2005, Respondent worked for U.S. Healthworks as a full-time
12 floater, meaning he would drive to different locations to work where needed. On
13 that day, he fell off of a stool and complained that his back was sore. A post-
14 accident drug screen was performed. It showed that he tested positive for
15 morphine and cocaine metabolites. He was fired as a result.
- 16 B. On July 25, 2006, Respondent was interviewed at the by Medical Board
17 Investigator Salvador Rojas. Respondent admitted that he is addicted to narcotics.
18 He stated he has taken them for ten years for a knee injury in Vietnam.
- 19 C. He stated he took two 15 milligram tablets of morphine each day and three
20 Darvocet tablets each day.
- 21 D. He stated that on December 29, 2005, he did not have a prescription for morphine
22 and that on that day he took morphine from a family member who gave it to him.
- 23 E. He stated that there were times when he took medications from family and friends
24 that he did not have a prescription for, including Tylenol 3, Tylenol 4, and
25 morphine.
- 26 F. He stated that in January of 2006, he was prescribed morphine. He described his
27 history of taking Darvocet, morphine, Tylenol 3, Tylenol 4, and Vicoden.

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1 G. Also in July 25, 2006, Respondent agreed to take a drug screen. He tested
2 positive for benzoylecgonine¹, norpropoxyphene and morphine.

3 H. In September of 2006, Mark Kalish, M.D., reviewed Respondent's investigative
4 file and found that Respondent takes a very significant quantity of narcotics. He
5 found that the heavy use of narcotics would affect Respondent's cognitive
6 functioning and impair his ability to provide safe and effective medical treatment.

7 I. In December of 2007, a CURES report indicated that Respondent was prescribed
8 morphine sulfate, 30 mg, quantity 60, about once a month beginning in September
9 of 2006.

10 J. In July of 2008, Mark Kalish, M.D., opined that taking 60 mg of morphine sulfate
11 per day constitutes heavy use of narcotics and that it could affect Respondent's
12 cognitive functioning and impair his ability to provide safe and effective medical
13 treatment.

14
15 PRAYER

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein
17 alleged, and that following the hearing, the Physician Assistant Committee issue a decision:

18 1. Revoking or suspending Physician Assistant Number PA 10186, issued to
19 Cecil C. Walker.

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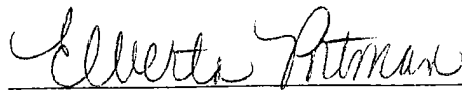
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27 _____
28 1. Benzoylecgonine is the primary metabolite of cocaine.

1 2. Ordering Cecil C. Walker to pay the Physician Assistant Committee the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.

5
6 DATED: July 28, 2008

7 

8 ELBERTA PORTMAN
9 Executive Officer
10 Physician Assistant Committee
11 Department of Consumer Affairs
12 State of California
13 Complainant

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